

REMARKS

The Applicant respectfully requests further examination and reconsideration in view of the amendments made above and the arguments made below. Claims 1-10, 13-17 and 20-35 were pending. Within the Office Action, Claims 1-10, 13, 14, 17 and 20-35 are allowed and Claims 15 and 16 have been rejected. By the above amendments, Claim 15 has been amended, and Claim 16 has been canceled. Accordingly, Claims 1-10, 13-15, 17 and 20-35 are now pending.

Objections to the Drawings

Within the Office Action, the drawings have been objected to under 37 C.F.R. 1.83(a). It is also stated that the drawings must show every feature of the invention specified in the claims. Specifically, it is stated that “data processor” must be shown or the features canceled from the claims. By the above amendments, “data processor” has been canceled from the claims. Thus, this objection to the drawings should be withdrawn.

Rejections under 35 U.S.C. § 101

Within the Office Action, Claims 15 and 16 have been rejected under 35 U.S.C. §101 because it is stated the claimed invention is directed to non-statutory subject matter. By the above amendments, Claim 15 now includes hardware, specifically “a computer readable recording medium” which satisfies the 35 U.S.C. §101 requirement. Furthermore, Claim 16 has been canceled. Therefore, the rejection of Claim 15 should be withdrawn.

Within the Office Action, Claims 15 and 16 have also been rejected under 35 U.S.C. §101 because it is stated that the claimed invention is not supported by either a “computer program providing computer executable instructions” asserted utility or a well established utility. More specifically, it is stated within the Office Action that the claim contains subject matter not described in the specification in such a way as to reasonably convey to one skilled in the art. Applicant respectfully disagrees. By the above amendments, the Claim 15 now contains subject matter described in the specification in such a way as to reasonably convey to one skilled in the art. Specifically, the Present Specification describes the claimed invention sufficiently for one skilled in the art to understand and apply the claimed invention. [Present Specification, page 10, line 5 through page 13, line 13 and the accompanying figures] Furthermore, a person skilled in the art would immediately recognize that the constituent components of the invention, such as a

serving support node, gateway support node, radio network controller, and so on, are typically implemented on computer hardware, and therefore a skilled person of the art would be in no doubt from the description and the drawings that the invention is able to be manifested in the form of a computer readable medium on which a program to be executed by a computer has been recorded. Therefore, the rejection should be withdrawn.

Rejections under 35 U.S.C. § 112

Within the Office Action, Claims 15 and 16 have been rejected under 35 U.S.C. §112, first paragraph because the claimed invention is not supported. Applicant respectfully disagrees. Claim 15 is supported by “a computer program providing computer executable instructions” utility and a well established utility for one skilled in the art. Specifically, the Present Specification describes the claimed invention sufficiently for one skilled in the art to understand the utility of the claimed invention. [Present Specification, page 10, line 5 through page 13, line 13 and the accompanying figures] Furthermore, a person skilled in the art would immediately recognize that the constituent components of the invention, such as a serving support node, gateway support node, radio network controller, and so on, are typically implemented on computer hardware and therefore a skilled person of the art would be in no doubt from the description and the drawings that the invention is able to be manifested in the form of a computer readable medium on which a program to be executed by a computer has been recorded. Furthermore, the person skilled in the art would recognize the utility of the claimed invention. Therefore, the rejection should be withdrawn.

Allowable Subject Matter

Within the Office Action, it is indicated that Claims 1-10, 13, 14, 17 and 20-35 are allowed.

For the reasons given above, Applicants respectfully submit that all of the pending claims are now in condition for allowance, and allowance at an early date would be greatly appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
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